



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

2387 5 JUL 15 A9:37

Food and Drug Administration
Rockville MD 20857

Re: Ganirelix Acetate Injection (formerly Antagon)
Docket No. 02E-0340

The Honorable Jon Dudas
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Box Pat. Ext.
P.O. Box 1450
Alexandria, VA 22313-1450

JUL - 8 2005

Dear Director Dudas:

This is in regard to the patent term extension application for U.S. Patent No. 4,801,577 filed by Syntex under 35 U.S.C. § 156. The patent claims Ganirelix Acetate Injection (ganirelix acetate), NDA 21-057.

In the November 2, 2004, issue of the Federal Register (69 Fed. Reg. 63547), the Food and Drug Administration published its determination of this product's regulatory review period, as required under 35 U.S.C. § 156(d)(2)(A). The notice provided that on or before May 2, 2005, 180 days after the publication of the determination, any interested person could file a petition with FDA under 35 U.S.C. § 156(d)(2)(B)(i) for a determination of whether the patent term extension applicant acted with due diligence during the regulatory review period.

The 180-day period for filing a due diligence petition pursuant to this notice has expired and FDA has received no such petition. Therefore, FDA considers the regulatory review period determination to be final.

Please let me know if we can provide further assistance.

Sincerely yours,

Jane A. Axelrad
Associate Director for Policy
Center for Drug Evaluation and Research

cc: Herwig von Morze
Heller, Ehrman, White & McAuliffe
275 Middlefield Rd
Menlo Park, CA 95025-7176

02E-0340

LETS